

ATTACHMENT A

REMARKS

Claims 1-15 have been rejected under 35 USC 112, second paragraph, as being “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” This rejection is respectfully traversed although claim 1 has been amended in order to expedite the prosecution.

Considering the rejection in more detail, it is contended in the Office Action that “for” is “unclear as it fails to positively recite an irradiator.” It is further contended that “[q]uestions of intent are raised.” While applicant disagrees with this contention and notes that it is standard practice to present claims which recite an element “for” carrying out a function, and that it has been consistently held that “means for” clauses positively recite the claimed function, the suggestion of the Examiner has been adopted and the phrase -- that subjects -- has been substituted for “for subjecting.” This change has merely been made to expedite the prosecution and clearly does not raise any new issues that require further consideration and/or search, given that applicant has simply adopted the suggestion of the Examiner.

Claims 1-8 and 11-15 have been rejected under 35 USC 103(a) as being “unpatentable over” the previously recited Claude et al and Krooss patents “substantially as applied in paper 7.” This rejection is respectfully traversed.

As was pointed out in the response filed on July 1, 2003, it is respectfully submitted that the teachings of the Claude et al patent have been misinterpreted. In “paper 7” it was contended that element 4 is a sprayer. However, element 4, in fact, represents a plurality of UV germicidal lamps, as is set forth in the Derwent Abstract supplied with the previous response. Thus, it is respectfully submitted that the Claude et al patent does not disclose the use of a sprayer, and given that the Krooss patent was apparently cited only to provide a disclosure of automatic control, it is clear that the references, even if combined, would not meet the terms of the claims. Moreover, it is respectfully submitted that the teachings of the Claude et al patent are so different from the Krooss patent that the two references cannot be meaningfully combined and would not be combined.

In the current Office Action, the Examiner acknowledges that the Claude et al reference “does disclose the need for dry conveyance operation” (emphasis added) but adds that “[t]his doesn’t preclude a wet cleaning step during a cleaning operation.” It is respectfully submitted

that these contentions are not well taken. First, it is respectfully suggested that it is misleading to state that the Claude et al reference discloses “conveyance operations.” As pointed out in the previous response, the Claude et al reference is not concerned with a conveying arrangement but is rather concerned with an apparatus for forming dough or pastry by rolling the dough between belts. In this regard, the reference shows a pair of forming belts mounted within a cabinet. Further, as stated in the sixth paragraph of the description (in the previously filed translation) “the invention has for an aim to remedy the problems [humidity left on the forming belt, and the germs and microbes carried by dust in the air] by eliminating the humidity which is a carrier of the germs and the microbes and in destroying the germs and the microbes which can be present on the forming belt.”

Thus, it is clear that moisture is the enemy in the apparatus of the Claude et al reference. The amount of moisture generated by rolling lumps of dough is likely to be small, in absolute terms. However, in the context of the reference, even this level of moisture must be eliminated. Thus, everything within the cabinet is dried as much as possible, by means of radiation and blowing air. Given the context of the teachings of the reference, it is respectfully submitted that it simply would not be conceivable to one of ordinary skill in the art to incorporate a wet cleaning step involving the deliberate spraying of water on the forming belts. Obviously, if the apparatus of the reference were altered to include a sprayer, the atmosphere within the cabinet would inevitably become quite moist, and the object of “eliminating the humidity which is a carrier of the germs and microbes” would not be achieved. Thus, it is respectfully submitted that the addition of a wet cleaning device wherein water would be sprayed on the forming belts is completely contrary to the specific teachings of the reference.

Turning to the Krooss reference, this reference is essentially concerned with a belt formed of rug material for cleaning the bottoms of bottles being carried thereby. The rug belt is sprayed with water. The belt subsequently passes a squeegee in order to control the amount of liquid in the belt. This also provides some cleaning of the belt. Clearly, the cleaning provided is a very coarse cleaning. The purpose thereof is simply to prevent material adhering to the conveyor from causing the conveyor to jam and malfunction because of excess amounts of dirt (see column 1, lines 18-22). There is clearly no teaching of any form of sterilization in the Krooss reference.

As stated in the previous response, it is respectfully submitted that the system disclosed in the Krooss patent is very different from that of the present invention as well as from the device of the Claude et al reference. The essential features of the Krooss patent, viz., a belt of carpet, sprayed with liquid, are totally unsuitable for the food handling operations of either the present invention or the Claude et al reference. It is respectfully submitted that there is certainly no way that the teachings of the two references could be fairly combined given what the references actually disclose. Moreover, given the actual disclosures of the two references, no fair combination of these references could result in the present invention as claimed.

Allowance of the application in its present form is respectfully solicited.

END REMARKS